

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

ATTORNEY'S DOCKET NUMBER

112701-501

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/523,765

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371.INTERNATIONAL APPLICATION NO.  
PCT/EP03/08356INTERNATIONAL FILING DATE  
29 July 2003PRIORITY DATE CLAIMED  
07 August 2002

## TITLE OF INVENTION

CEREAL BASED FOOD PRODUCT COMPRISING DHA AND/OR EPA

## APPLICANT(S) FOR DO/EO/US

Birgit Sievert

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 351 267 111 US
23. ☒ Other items or information:

Copy of Notification of Missing Requirements (2 pages)

Submission of Certified Copy of Priority Document (1 page); Certified Copy of EP 02017803.4

Return Receipt Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |              |  |            |                          |            |
|--|--------------|--|------------|--------------------------|------------|
| U.S. APPLICATION NO (if known, see 37 CFR 1.5)   |              | INTERNATIONAL APPLICATION NO.  |            | ATTORNEY'S DOCKET NUMBER |            |
| 10/523,765   |              | PCT/EP03/08356   |            | 112701-501               |            |
| 24. The following fees are submitted:  |              |  |            | Applicant use            | Office use |
| <input type="checkbox"/> a) Basic national fee ..... \$300.00  |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> b) Examination fee ..... \$200.00   |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> c) Search fee ..... \$500.00  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b> \$1000.00   |              |  |            | \$                       | \$0.00     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |  |            |                          |            |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |                          |            |
| - 100 =  | /50 =        |  | x \$250.00 | \$                       | \$0.00     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            | \$                       | \$130.00   |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |                          |            |
| Total claims   | - 20 =       | 0  | x \$50.00  | \$                       | \$0.00     |
| Independent claims   | - 3 =        | 0  | x \$200.00 | \$                       | \$0.00     |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |            | \$                       | \$130.00   |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |            | \$                       | \$0.00     |
| <b>SUBTOTAL =</b>  |              |  |            | \$                       | \$130.00   |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |            | \$                       | \$130.00   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +  |              |  |            | \$                       | \$0.00     |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |            | \$                       | \$130.00   |
| Amount to be refunded:   |              |  |            |                          | \$         |
| Amount to be charged:  |              |  |            |                          | \$         |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>130.00</u> to cover the above fees is enclosed.  |              |  |            |                          |            |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is   |              |  |            |                          |            |
| c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-1818</u> . A duplicate copy of this sheet is enclosed.                                |              |  |            |                          |            |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.               |              |  |            |                          |            |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |  |            |                          |            |
| SEND ALL CORRESPONDENCE TO:  |              |  |            |                          |            |
| Robert M. Barrett (30,142)   |              |  |            |                          |            |
| Customer No.: 29157  |              |  |            |                          |            |
|  |              |  |            | SIGNATURE                |            |
|  |              |  |            | Robert M. Barrett        |            |
|  |              |  |            | NAME                     |            |
|  |              |  |            | 30,142                   |            |
|  |              |  |            | REGISTRATION NUMBER      |            |

09/07/2005 GFREY1 00000141 10523765

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130.00 0P

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Birgit Sievert  
Appl. No.: 10/523,765  
Filed: February 7, 2005  
Title: CEREAL BASED FOOD PRODUCT COMPRISING DHA AND/OR EPA  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-501

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Copy of Notification of Missing Requirements (2 pages);
3. Executed Declaration (2 pages);
4. Power of Attorney (1 page);
5. Submission of Certified Copy of Priority Document (1 page);
6. Certified Copy of EP 02017803.4;
7. Check in the Amount of \$130.00; and
8. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 1, 2005

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence



Signature

EV 351 267 111 US

Express Mail Mailing Label Number



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/523,765                  | Birgit Sievert        | 112701-501       |

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/EP03/08356                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 07/29/2003                    | 08/07/2002    |

Robert M. Barrett  
 Bell Boyd & Lloyd  
 Po Box 1135  
 Chicago, IL 60690-1135

CONFIRMATION NO. 2631  
 371 FORMALITIES LETTER



Date Mailed: 08/01/2005

*Due: 10-1-05*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/07/2005
- Copy of the International Search Report filed on 02/07/2005
- Copy of IPE Report filed on 02/07/2005
- Preliminary Amendments filed on 02/07/2005
- Oath or Declaration filed on 02/07/2005
- U.S. Basic National Fees filed on 02/07/2005
- Substitute Specification filed on 02/07/2005
- Power of Attorney filed on 02/07/2005

**RECEIVED**  
 BELL, BOYD & LLOYD  
 INTELLECTUAL PROPERTY DOCKET

AUG 08 2005

ATTY *[Signature]*  
 DOCKET # *112701-501*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

1. ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/523,765                  | PCT/EP03/08356                | 112701-501       |

FORM PCT/DO/EO/905 (371 Formalities Notice)